## CCRB INVESTIGATIVE RECOMMENDATION

Investigator:	I	Team:	CCRB Case #:	M	Force	П	Discourt.	☐ U.S.
Alex Tuminello		Squad #15	201603786	-	Abuse	<b>✓</b>	O.L.	✓ Injury
THOM TOWNSON		oquud ii 10	201000,00		110000		0.2.	<u> </u>
Incident Date(s)		Location of Incident:		F	Precinct:	18	Mo. SOL	EO SOL
Monday, 04/18/2016 9:00 PM					120	10	0/18/2017	10/18/2017
Date/Time CV Reported		CV Reported At:	How CV Reported	l:	Date/Time	Rece	eived at CCl	RB
Thu, 04/28/2016 10:00 AM		IAB	Phone		Mon, 05/0	2/201	16 11:09 AM	M
Complainant/Victim	Туре	Home Addre	ess					
Witness(es)		Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. POM Anthony Moon	05309	933052	120 PCT					
2. POM Robert Dominicci	06048	955888	120 PCT					
3. POM Elmer Pastran	06851	956154	120 PCT					
4. An officer			Unknown					
Witness Officer(s)	Shield No	Tax No	Cmd Name					
1. POM Michael Lenge	00110	924068	120 PCT					
2. SGT Elizabeth Vaiano	02151	946720	120 PCT					
3. POM Felix Mak	19522	958860	120 PCT					
Officer(s)	Allegatio	n			Inve	estiga	ator Recon	nmendation
A.POM Anthony Moon		front of § 87(2)(b)	in Staten Isl					
	Police Of	ficer Anthony Moon th	reatened to arrest § 8	7(2)(b)				
B.POM Robert Dominicci	Force: In	front of § 87(2)(b)	on Staten Islan	d, Po	olice			
		obert Dominicci used p						
C.POM Elmer Pastran		front of § 87(2)(b)	on Staten Islan	d Da	olice			
C.I OWI EIIIICI I astrali		lmer Pastran used physi						
		G 07/2Vh	. ~	_				
D.POM Anthony Moon		front of <sup>§ 87(2)(b)</sup> ficer Anthony Moon us	in Staten Isla		st 📶			
	§ 87(2)(b)	1,10011 40	FJ 21041 10100 U					
E. An officer	Off. Lang	guage: At § 87(2)(b)	1 ( \$ 97/2)/b) J		in			
	Staten Isla	and, an officer made remainded based upon ethnic						
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## **Case Summary**

On April 18, 2016, \$87(2)(b) was visiting \$87(2)(b) in Staten Island
which is a residential building he owns. He was present at the location with wife \$87(2)(6)
their \$87(2)(b) -old son \$87(2) a woman by the name of \$87(2)(b) who is a
property manager of \$87(2)(b) s building and a tenant named \$37(2)(b) s 87(2)(b)
exchanged words with who was complaining about flies at this apartment. They also had a
slight physical altercation. called 911 and approximately four police vehicles with
approximately nine to eleven officers arrived, however, the investigation determined that six
officers were present. §87(2)(b) provided the officers with his ID as they stood around
him in a semi-circle. §87(2)(b) instructed his wife to record the incident and an officer,
identified via the investigation as PO Anthony Moon of the 120 <sup>th</sup> Precinct, allegedly stated to her,
"If you use the camera, you are going to get arrested. Don't use the camera" (Allegation A).
instructed his wife to call IAB. § 87(2)(b) believed that the officers were
going to grab his wife, he attempted to walk between the officers to get towards her. He alleged
that a group of several officers identified by the investigation as PO Robert Dominicci, PO Elmer
Pastran and PO Moon allegedly grabbed him by his hair, upper back, torso and shoulders and
threw him to the ground (Allegations B, C and D). While on the ground, the officers pulled his
arms behind his back and held them in that position. §87(2)(b) felt one knee pressing on
each of his two elbows while simultaneously there were hands twisting each of his elbows in the
opposite direction. § 87(2)(6) alleged that he also felt the officers knees pressed against
his lower back and estimated that his lower back was struck with a closed fist approximately 30
to 40 times (within <b>Allegations B</b> , <b>C</b> and <b>D</b> ). §87(2)(6) was handcuffed and transported
via EMS to \$87(2)(b) in Staten Island.
In State Holand
While at \$87(2)(b) alleged that an officer that he
could not describe allegedly accused him of being a member of the "Albanian Mafia" (Allegation
E).
2).
stated that he was released from \$87(2)(b)
nurse and he immediately travelled to \$87(2)(b) where he received
MRI and X-Ray exams. \$87(2)(b) alleged that he was diagnosed with a fractured elbow
and torn left elbow ligaments.
and torn left cloow figaments.
was not arrested or summonsed as a result of this incident.
was not affested of summonsed as a festilt of this incident.
This case went over the 90 days bench mark cause of scheduling delays in regards to
s refusing to provide any information to the CCRB without first consulting with an
attorney.
attorney.
On September 23, 2016, this case was reassigned from Investigator Abigail Shuster to the
undersigned investigator due to her departure from the agency.
andersigned investigator due to her departure from the agency.
Video footage of this incident was acquired from \$87(2)(b) in Staten
Island; however, the footage does not provide any relevant information regarding Allegation E.

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## Mediation, Civil and Criminal Histories

This complaint was unsuitable for mediation because § 87(2)(b) alleged that he had sustained serious injuries as a result of this incident. • As of November 1, 2016, § 87(2)(b) and § 87(2)(b) have not filed a notice of claim with the Office of the New York City Comptroller (Encl. Board Review 07). § 87(2)(b) Without a valid NYSID number, the undersigned investigator was unable to look up [872] s criminal conviction history in the New York State Office of Court Administration database. Civilian and Officer CCRB Histories (Encl. Board Review 01). This is the first CCRB complaint involving § 87(2)(b) (Encl. Board Review 02). PO Moon has been a member of the service for 13 years and has been the subject of three previous CCRB allegations involving two cases. § 87(2)(9) In CCRB case no. 200812179, a refusal to process a civilian complaint allegation and substantiated against him. The Board recommended command discipline and the NYPD agreed with the disposition, however, no specific penalty is noted. PO Dominicci has been a member of the service for two years and this is the first CCRB complaint filed against him. PO Pastran has been a member of the service for two years and has been the subject of one previous CCRB allegation involving one case. § 87(2)(g) **Potential Issues** On July 6, 2016, Investigator Shuster contacted a female witness (possibly \$87(2)(b) via telephone, who asked to remain anonymous. The caller provided a brief and unverified phone statement. She did not wish to provide any contact information to the CCRB. The witness identified the male tenant that interacted with § 87(2)(6) than (307(2)) The witness refused to provide contact information for this individual and stated that she would attempt to reach out to him in regards to attaining his contact information. As of the date of this report, the witness has not contacted the CCRB with

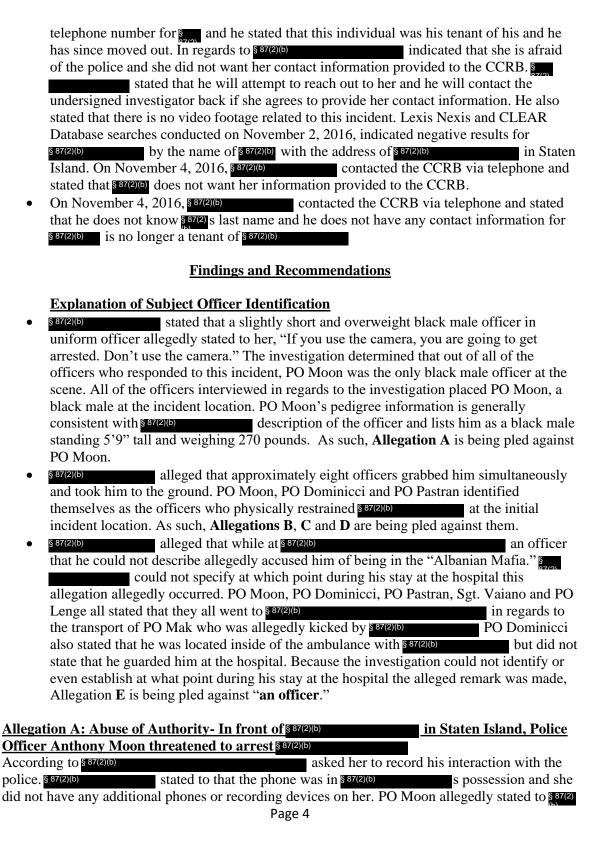
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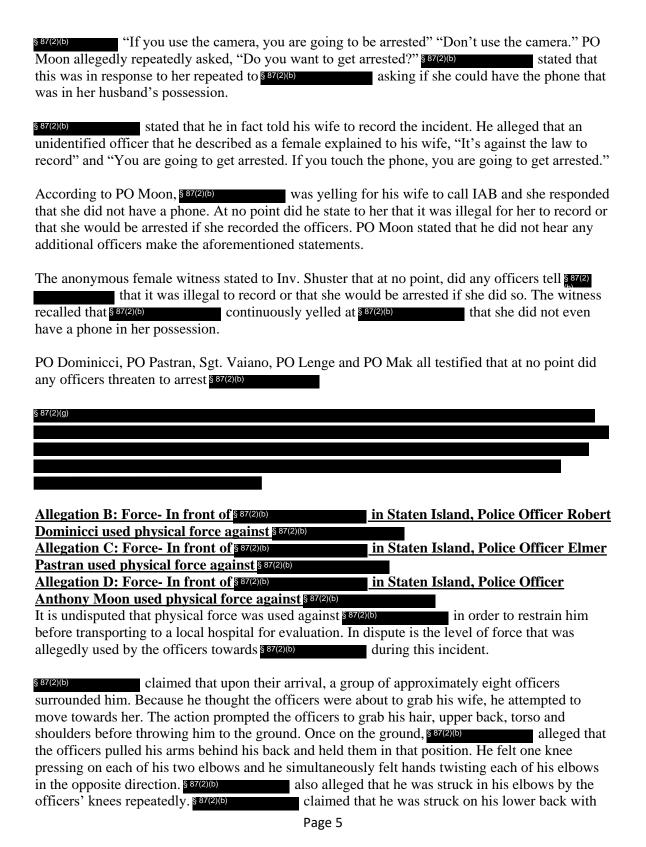
telephone. He stated that and save and save present for the incident. He did not have a

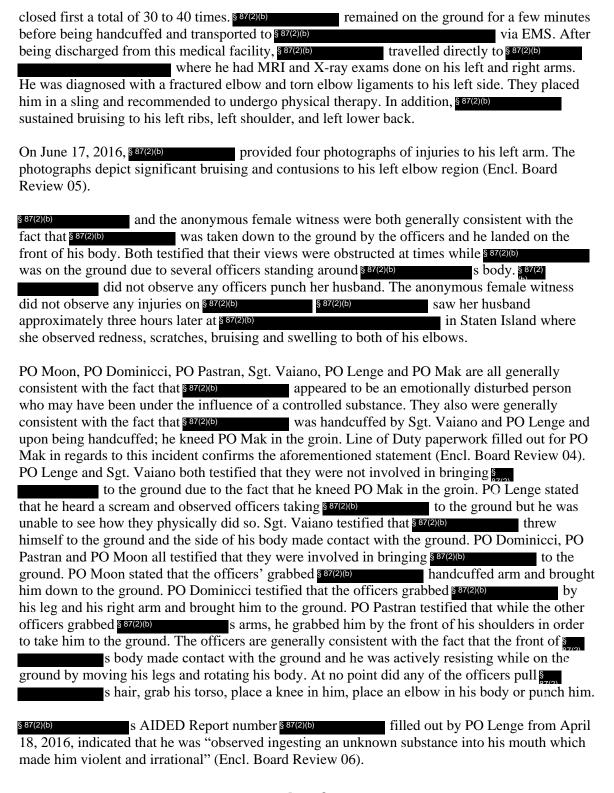
On November 3, 2016, the undersigned investigator contacted § 87(2)(b)

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contact information for § 87(2)







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ser(2)(b) was records also indic some unidentified was punched to the injuries and he was home care. On Apartement from an arrested. X-ray expenses was punched to the injuries and he was home care.	while in police that he was marked emeated that as per the NY at tablets. \$87(2)(5) he left hand side of his fast diagnosed with aggree pril 19, 2016, at approximate the end of	otionally disturbed person PD, the patient allegedly seem complained of bilater face by his tenant. §87(2)(b) essive behavior and substatimately 10:45 p.m., §87(2)(b) explained of left arm pain a He alleged that he was for	hief complaint listed for and listed as intoxicated. The moked PCP and swallowed all rib pain and alleged that he had no visible nee abuse and discharged to travelled to \$870 and rib pain which he alleged to the ground while being was diagnosed with a left elbo	e (b)
specifically where obstructed. They testimony is gene and he was then b	n to the ground, both his e the officers grabbed o did not testify that \$37(2) rally consistent with the	s wife and the anonymous  s 887(2)(b)  s bod  was punche e fact that \$87(2)(b)  and landed on the front of h	pecific parts of his body in female witness could identif y as their views at times werd or kneed. While the officer kneed PO Mak in the groi is body, none of the officers	e rs'
§ 87(2)(g)				
	fensive Language- At r made remarks to §87(2	based	<u>in Staten</u> upon ethnicity.	
	sland, an officer that he	oint during his time at \$876 could not describe accuse	ed him of being a member of	
the "Albanian Ma	afia."			
§ 87(2)(g)				i
Squad: 15				
Investigator:				
	Signature	Print	Date	
Squad Leader:				
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	Title/Signature	Print	Date
Reviewer:			
	Title/Signature	Print	Date

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